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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,807	09/24/2003	James L. Recker	14289	5445

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EXAMINER	
ROSENBERG, LAURA B	
ART UNIT	PAPER NUMBER
3616	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,807	RECKER ET AL.	
	Examiner	Art Unit	
	Laura B. Rosenberg	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-18,21-34,36 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-18,21-34,36 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 27 October 2005, in which claims 1, 4, 15, 18, 31, 32, 34, and 36 were amended and claims 5, 19, 20, 35, and 38 were cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4, 6-18, 21-34, 36, and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the phrase "and is then secured in place" (claims 1, 15, 31, 36) as it relates to the doubled back portion of the first and second panels, respectively, is new matter because it was not originally disclosed in the specification. In reading broadly on this phrase, the prior art set forth below meets this limitation since the pleats would be secured in place to some extent based on their folded configuration and installation within the vehicle.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 9-18, 25-34, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Sunabashiri (2004/0164530). Sunabashiri discloses an inflatable curtain (#1) comprising:

- First panel (for example, "outer" panel that doubles back upon itself near #P2) having a first pleat (for example, at #P2) formed by arranging the first panel such that only a portion of the material of the first panel is doubled back upon itself and is then secured in place (best seen in figure 3)
- When the curtain is inflated with inflation gas (#G), the first pleat opens into a first bulge (for example, at #A) prior to the curtain being completely filled with inflation gas, the first bulge changing the deployment trajectory of the curtain (best seen in figure 5; paragraphs 0029-0038)
- Second panel (for example, "inner" panel that doubles back upon itself near #P3) attached to the first panel (best seen in figures 3, 5)
- First bulge designed to interact with a portion of a vehicle interior (for example, at headliner #6)

- First bulge designed such that the deploying inflatable curtain will clear a trim panel (for example, headliner #6) on a vehicle interior (best seen in figure 5)
- First pleat (at #P2) opens upwards when the inflatable curtain is installed onto a vehicle interior (best seen in figure 3), and spans the length of, which includes a portion of, the first panel (folding occurs across the entire length of the curtain)
- Second pleat (for example, at #P3) added to the second panel and formed by arranging the second panel such that only a portion of the material of the second panel is doubled back upon itself and is then secured in place (best seen in figure 3)
- When the inflatable curtain inflates, the second pleat opens into a second bulge (for example, at #B) prior to the curtain being completely filled with inflation gas (best seen in figure 5)
- Second bulge changes the deployment trajectory of the curtain (best seen in figure 5; paragraphs 0029-0038)
- Second pleat formed by folding the second panel (best seen in figure 3)
- Second pleat span the length of, which includes a portion of, the second panel (folding occurs across the entire length of the curtain)
- Second bulge designed to interact with a portion of a vehicle interior (for example, roof rail #5 as seen in figure 5)
- First pleat is aligned with second pleat (for example, #P2 is aligned with #P3 along a line drawn through the pleats and perpendicular to roof rail #5)
- First pleat is offset from second pleat (for example, offset from each other by rolled middle section as seen in figure 3)

6. Claims 1-4, 6, 10-18, 21, 25-34, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakanishi (6,736,422). Nakanishi discloses an inflatable curtain (#1) comprising:

- First panel (for example, #3) having a first pleat (for example, first pleat of #3 in upper portion of folded inflatable curtain as seen in figure 6a) formed by arranging the first panel such that only a portion of the material of the first panel is doubled back upon itself and is then secured in place (for example, as seen in figure 6a)
- When the curtain is inflated with inflation gas (via inlet #5), the first pleat opens into a first bulge (for example, as seen in figure 6b) prior to the curtain being completely filled with inflation gas, the first bulge changing the deployment trajectory of the curtain (can be seen in figure 6)
- Second panel (for example, #2) attached to the first panel via sewing (column 5, lines 4-7)
- First bulge designed to interact with a portion of a vehicle interior (for example, interacts with lateral side as seen in figure 6)
- First bulge designed such that the deploying inflatable curtain will clear a trim panel (for example, lateral side) on a vehicle interior (column 6)
- Second pleat (for example, pleat formed by #2 in lower portion of folded inflatable curtain as seen in figure 6a) added to the second panel and formed by arranging the second panel such that only a portion of the material of the second panel is doubled back upon itself and is then secured in place (can be seen in figure 6a)

- When the inflatable curtain inflates, the second pleat opens into a second bulge (for example, lower bulge as seen in figures 6c, 6d) prior to the curtain being completely filled with inflation gas (best seen in figure 6)
- Second bulge changes the deployment trajectory of the curtain (can be seen in figure 6)
- Second pleat formed by folding the second panel (can be seen in figure 6a)
- First and second pleats span the length of, which includes a portion of, the first and second panels, respectively (folding occurs across the entire length of the curtain)
- Second bulge designed to interact with a portion of a vehicle interior (for example, interacts with lateral side as seen in figure 6)
- First pleat is aligned with second pleat (for example, pleats are aligned in a vertical direction, as seen in figure 6a)
- First pleat is offset from second pleat (for example, offset from each other by other pleats in between the first and second pleats, as seen in figure 6a)

7. Claims 1-4, 8-18, 23-34, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Asano et al. (6,371,512). Asano et al. disclose an inflatable curtain (for example, #16) comprising:

- First panel (for example, "inner" panel as seen in figures 1, 2) having a first pleat (for example, bottom pleat near #16D in figure 1) formed by arranging the first panel such that only a portion of the material of the first panel is doubled back upon itself and is then secured in place (for example, as seen in figure 1)

- When the curtain is inflated with inflation gas (via conduit #14A), the first pleat opens into a first bulge (for example, including portion #16E) prior to the curtain being completely filled with inflation gas, the first bulge changing the deployment trajectory of the curtain (can be seen in figure 2)
- Second panel (for example, "outer" panel as seen in figures 1, 2) attached to the first panel (can be seen in figures 1, 2)
- First bulge designed to interact with a portion of a vehicle interior (for example, interacts with roof head lining #40)
- First bulge designed such that the deploying inflatable curtain will clear a trim panel (for example, slip joint #52) on a vehicle interior (column 9, lines 54-61)
- Second pleat (for example, pleat formed in upper portion of "outer" panel as seen in figure 1) added to the second panel and formed by arranging the second panel such that only a portion of the material of the second panel is doubled back upon itself and is then secured in place (can be seen in figure 1)
- When the inflatable curtain inflates, the second pleat opens into a second bulge (for example, second bulge is to the right of first bulge as seen in figure 2) prior to the curtain being completely filled with inflation gas (can be seen in figure 2)
- Second bulge changes the deployment trajectory of the curtain (can be seen in figure 2)
- Second pleat formed by folding the second panel (can be seen in figure 1)
- First and second pleats span the length of, which includes a portion of, the first and second panels, respectively (folding occurs across the entire length of the curtain)

- Second bulge designed to interact with a portion of a vehicle interior (for example, interacts with garnish #38 and jump stand #50)
- First pleat is aligned with second pleat (for example, pleats are aligned in a vertical direction, as seen in figure 1)
- First pleat is offset from second pleat (for example, offset from each other by other pleats in between the first and second pleats, as seen in figure 1)
- First pleat opens downwards and the second pleat opens upwards when the inflatable curtain is installed onto a vehicle interior (in the example set forth above; can be seen in figure 1)
- First pleat opens upwards and the second pleat opens downwards when the inflatable curtain is installed onto a vehicle interior (if the first panel and first pleat are reversed with the second panel and second pleat as compared to the example set forth above; can be seen in figure 1)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakanishi (6,736,422) in view of Bakhsh et al. (6,851,707). Nakanishi does not disclose the first and second panels attached via adhesive bonding. Bakhsh et al. teach an

inflatable curtain (#14) comprising first and second panels (#40, 42) attached to each other via weaving, stitching, dielectric sealing, ultrasonic bonding, heat sealing, or adhesives (column 3, line 63-column 4, line 3). It would have been obvious to one skilled in the art at the time that the invention was made to modify the attachment of the first and second panels of Nakanishi such that it comprised adhesive bonding as claimed in view of the teachings of Bakhsh et al. so as to most effectively seal the panels together to prevent loss of inflation gas as the curtain is inflating, the different methods of attachment taught by Bakhsh et al. being old and well known in the art.

Response to Arguments

10. Applicant's arguments filed 27 October 2005, have been fully considered but they are not persuasive.

Webster defines the term "pleat" as "a fold in cloth made by doubling material over on itself; also, something resembling such a fold". Thus, the folds in the references cited above are indeed pleats.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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1/19/06

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